



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Jack R. Wilson, III
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Thomas E. Jacobson, Secretary to the Commission,
Planning Director

Dr. James R. Schroeder, Chairman, School Board
Mr. Marshall W. Trammell, Jr., Vice-Chairman, School Board
Mrs. Dianne E. Pettitt,
Mrs. Elizabeth B. (Beth) Davis,
Mr. Thomas, J. Doland
Dr. Billy K. Cannaday, Jr., Superintendent,
School Administration

ALSO PRESENT:

Mr. Kirkland A. Turner, Development Manager,
Community Development
Mr. William D. Poole, Assistant Director,
Development Review, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Senior Planner, Zoning and
Special Projects, Planning Department

Mr. Fred Moore, Planner, Zoning and
Special Projects, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department
Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department
Mr. Zachary L. Robbins, Planner, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Carl D. Schlautdt, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Secretary, Administrative
Branch, Planning Department
Ms. Teresa C. Davis, Administrative Specialist, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Ms. Jennifer Wampler, Planner, Parks Maintenance Division,
Parks and Recreation Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Ms. Kathryn S. Kitchen, Assistant Superintendent,
Business and Finance, School Administration
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Wilson, Gulley, Bass and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

ANNUAL MEETING: Planning Commission to meet in Executive Session Meeting Room, Chesterfield Administration Building.

- A. Election of Officers for 2004:
 - Chairman
 - Vice Chairman
- B. Adoption of Planning Commission Meeting Dates for 2004 and January 2005.
- C. Recommendation to Board of Supervisors of Planning Commission Representative to Serve on the Richmond Regional Planning District Commission.

REGULARLY SCHEDULED MEETING: Planning Commission to meet in Executive Session Meeting Room, Chesterfield Administration Building.

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.
- B. Review Day's Agenda.
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- B. Plans and Information Section Projects Update.
- D. Work Program – Review and Update.
- E. Consideration of the following Administrative Substantial Accord Determination:

**CASE
AND
DISTRICT**

APPLICANT

REQUEST

PROJECT NAME

04PD0217
Matoaca

Chesterfield County
Parks & Recreation

Substantial Accord
Determination

Virginia State University:
Appomattox Riverside Trail

- F. Discussion relative to proposed draft Ordinance Amendment relating to Retaining Wall Design.
- G. Update relative to proposed Ordinance Amendment to require Conditional Use in C-3 District relating to Motor Vehicle Sales.

ANNUAL MEETING: PLANNING COMMISSION TO MEET IN EXECUTIVE SESSION MEETING

A. ELECTION OF OFFICERS FOR 2004:

- **CHAIRMAN**

Mr. Gecker stated the first order of business would be the election of officers for the positions of Chairman and Vice-Chairman to the Planning Commission for 2004.

Mr. Litton nominated Mr. Daniel A. Gecker for Chairman of the Planning Commission.

Mr. Wilson seconded the nomination.

There were no other nominations; therefore, it was on motion of Mr. Gulley, seconded by Mr. Bass that the Commission resolved to close the nominations for the office of Chairman of the Planning Commission.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to elect Mr. Gecker to serve as Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

At this time, Mr. Gecker assumed the Chairmanship.

- **VICE CHAIRMAN**

The floor was opened for nominations for the office of Vice Chairman to the Planning Commission for 2004.

Mr. Wilson nominated Mr. Sherman W. Litton for Vice Chairman to the Planning Commission.

Mr. Gecker seconded the nomination.

There were no other nominations; therefore, it was on motion of Mr. Gulley, seconded by Mr. Bass that the Commission resolved to close the nominations for the office of Vice Chairman of the Planning Commission.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to elect Mr. Litton to serve as Vice Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

At this time, Mr. Litton assumed the Vice Chairmanship.

B. ADOPTION OF PLANNING COMMISSION MEETING DATES FOR 2004 AND JANUARY 2005.

Mr. Gulley requested consideration be given to changing the recommended December 21, 2004 meeting date to an earlier date in December 2004 due to the holidays.

Mr. Jacobson suggested the item be deferred to a later time during the work session to allow staff an opportunity to consult the Executive Session Room/Public Meeting Room calendar schedules to ascertain an alternative meeting date.

C. RECOMMENDATION TO BOARD OF SUPERVISORS OF PLANNING COMMISSION REPRESENTATIVE TO SERVE ON THE RICHMOND REGIONAL PLANNING DISTRICT COMMISSION.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend to the Board of Supervisors that Mr. Sherman W. Litton be appointed to serve as the Planning Commission's representative to the Richmond Regional Planning District Commission for the appropriate term.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

REGULARLY SCHEDULED MEETING: PLANNING COMMISSION TO MEET IN EXECUTIVE SESSION MEETING ROOM, CHESTERFIELD ADMINISTRATION BUILDING.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission amended the agenda to add two (2) new items to the agenda for discussion (i.e., Item H., Developer Notification of Pending Zoning Applications and Item I., Growth Issues).

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

B. REVIEW DAY'S AGENDA.

Mr. Allen updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

Mr. Rogers presented a brief review of the Commission's "Practices and Procedures" and updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads and the zoning requests to be considered during the Evening Session.

During the review of the 7:00 p. m. Session Day's Agenda, Mr. Wilson stated he had previously represented the applicant in a zoning matter, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act relative to Case 03SN0330, Cross Over Ministry, Inc. and recused himself from the meeting at approximately 12:47 p. m.

Upon conclusion of the discussion relative to Case 03SN0330, Cross Over Ministry, Inc., Mr. Wilson returned to the meeting at approximately 12:48 p. m.

Mr. Jacobson recalled Item B., Adoption of the Planning Commission Meeting Dates for 2004 and January 2005, from the earlier Annual Meeting session discussion.

B. ADOPTION OF PLANNING COMMISSION MEETING DATES FOR 2004 AND JANUARY 2005.

Mr. Jacobson indicated staff had determined that December 13, 2004 was available as an alternative meeting date for the Commission's regularly scheduled meeting in December 2004.

It was the consensus of the Commission to change the December 2004 meeting date from December 21st to December 13th and it was on motion of Mr. Wilson, seconded by Mr. Bass, that the Commission adopted the following meeting dates for the year 2004 and January 2005:

February 17, 2004 **February 19, 2004	August 17, 2004 **August 19, 2004
March 16, 2004 **March 18, 2004 APA Conference –Washington, D.C. April 24-28, 2004	September 21, 2004 **September 23, 2004
April 20, 2004 **April 22, 2004	October 19, 2004 **October 21, 2004
May 18, 2004 **May 20, 2004	November 16, 2004 **November 18, 2004
June 15, 2004 **June 17, 2004	December 13, 2004
July 20, 2004 **July 22, 2004	January 18, 2005 (Annual Meeting) **January 20, 2005

**Dates for 2nd monthly meeting, if backlog exists.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

C. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Mr. Haasch advised the Commission that, at their January 14, 2004, meeting the Board of Supervisors approved the Etrick Village Plan, as presented.

Mr. Bowling updated the Commission as to the status of a draft Zoning Ordinance Amendment relative to and requested the Commission consider setting the date of February 17, 2004, for a public hearing to consider the Matoaca Village Plan Initiative.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission set the date of, and requested staff take the necessary steps to advertise, February 17, 2004, for a public hearing to consider a Zoning Ordinance Amendment relative to the Matoaca Village Plan Initiative.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

D. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their February 2004 Work Program, as outlined by Mr. Jacobson.

E. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
04PD0217 Matoaca	Chesterfield County Parks & Recreation	Substantial Accord Determination	Virginia State University: Appomattox Riverside Trail

Ms. Jennifer Wampler, representing the Parks and Recreation Department, accepted staff's recommendation.

No one spoke in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission confirmed the decision of the Director of Planning that the proposed public facility (Virginia State University – Appomattox Riverside Trail) met the requirements outlined in Part 4 of the County's Substantial Accord Policy for Case 04PD0217, in accordance with the following condition:

CONDITION

Development of the property shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

F. DISCUSSION RELATIVE TO PROPOSED DRAFT ORDINANCE AMENDMENT RELATING TO RETAINING WALL DESIGN.

Mr. Mawby provided updated information to the Commission's request at their November 2003 meeting relative to draft Ordinance Amendment language addressing the significant height of recently constructed walls and the incompatibility of large wall structures with buildings on site.

Upon conclusion of the discussion, it was the consensus of the Commission to defer the draft Ordinance Amendment relating to retaining wall design to the February 17, 2004, Work Session to allow staff an opportunity to provide amended language to address concerns regarding the distance of the retaining walls from the road and at what point the proposed restrictions would not be applicable.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

G. UPDATE RELATIVE TO PROPOSED ORDINANCE AMENDMENT TO REQUIRE CONDITIONAL USE IN C-3 DISTRICT RELATING TO MOTOR VEHICLE SALES.

Mr. Poole updated the Commission as to the status of the proposed Ordinance Amendment requiring a Conditional Use for motor vehicle sales in C-3 Districts and provided the Commission with a copy of a letter from Mr. James Davis, President of Davis Auto Sales and the Virginia Independent Automobile Dealers Association, expressing concerns that restrictions of the use of a property could diminish its value and attractiveness to prospective buyers and would discourage prospective new and used car dealers from locating in the County.

Upon conclusion of the discussion, it was the consensus of the Commission to defer the proposed Ordinance Amendment requiring a Conditional Use for motor vehicle sales in C-3 Districts to the February 17, 2004, Work Session to allow staff the opportunity to amend/finalize the language of the Amendment and to attempt to reach a compromise with dealers concerning the regulation of motor vehicle sales in C-3 Districts.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

H. DEVELOPER NOTIFICATION OF PENDING ZONING APPLICATIONS.

In response to concerns expressed by Mr. Gulley, staff reviewed the notification requirement process.

There was discussion relative to the definition of the "location of adjacents;" the department's policy for maintaining, notifying and updating its civic association list; expansion of the definition of "adjacents" to include tenants; improvements for maintaining the civic association list; the ramifications of telephone calls, in addition to the mailing of adjacent affidavits, to ensure adequate notification; and other concerns.

Upon conclusion of the discussion, it was the consensus of the Commission to defer discussion of the notification of adjacents relating to zoning to the February 17, 2004, Work Session to allow staff an opportunity to provide additional information and outline an approach/suggest recommendations to improve the process.

I. GROWTH ISSUES.

Mr. Jacobson referenced comments by Mr. Kelly Miller at the January 14, 2004, Board of Supervisors' meeting and briefed the Commission as to upcoming direction from the Board affecting growth issues.

REPLACEMENT APPOINTMENT TO THE PLANNING COMMISSION DIFFERENTIAL CASH PROFFER COMMITTEE.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission appointed Mr. F. Wayne Bass as the Commission's representative to the Planning Commission Differential Cash Proffer Committee to replace Mr. Ron Stack.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

JOINT DINNER MEETING WITH THE SCHOOL BOARD AND SCHOOL ADMINISTRATION STAFF TO DISCUSS THE DRAFT PUBLIC FACILITIES PLAN.

Mr. Gecker noted the Commission and staff were scheduled for a dinner meeting in Room 502 of the Administration Building at 5:00 p. m., with the School Board members and School Administration staff to discuss the draft Public Facilities Plan.

F. RECESS.

There being no further business to come before the Commission, the Work Session was recessed at approximately 2:55 p. m.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES – DECEMBER 16, 2003.

Mr. Jacobson stated that the first order of business would be the consideration of the December 16, 2003, Planning Commission minutes.

Mr. Gulley requested the minutes be amended to include a paragraph on page 23 reflecting the applicant's representative's agreement to retrofit an existing pond to a performance BMP to meet the .22 phosphorous runoff criteria relative to Case 04SN0133, Gary T. and Bonnie A. Jennings.

It was the consensus of the Commission to defer the December 16, 2003, Planning Commission minutes to the February 17, 2004 Afternoon Session.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **WITHDRAWAL.**

04PR0227: In Midlothian Magisterial District, **ROBERT P. JONES** withdrew the appeal of the approved site plan for **RAILEY HILL OFFICES** (03PR0323) in regards to the architectural and landscape designs of the building. This request lies in Neighborhood Business (C-2) and Corporate Office (O-2) Districts on two (2) parcels totaling 2.9 acres fronting approximately 570 feet on the east line of North Woolridge Road, also fronting approximately 260 feet on the north line of Walton Park Road. Tax IDs 732-706-2668 and 3399 (Sheet 6).

No one came forward to represent the request.

Staff indicated the appellant had submitted written documentation indicating he wished to withdraw the request..

There was no opposition to the withdrawal.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission acknowledged withdrawal of Case 04PR0227, Robert P. Jones (Railey Hill Offices).

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **DEFERRAL.**

04PR0201: In Bermuda Magisterial District, **THE NRP GROUP, L.L.C.** requested deferral to February 17, 2004, of consideration for Planning Commission approval of a site plan, as required by zoning Case 03SN0119. This development is commonly known as **GRAND OAKS APARTMENTS**. This request lies in a Multifamily Residential (R-MF) District on 27 acres fronting approximately 235 feet on the north line of West Hundred Road approximately 230 feet west of Womack Road, also fronting approximately 770 feet on the west line of Womack Road approximately 200 feet north of West Hundred Road. Tax IDs 785-653-5567, 7929 and 9019; 785-654-Part of 5817 and 7621; 786-653-0382; and 786-654-0329 (Sheet 26).

Mr. Derrick Johnson, the applicant's representative, requested deferral to the February 17, 2004, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 04PR0201, NRP Group, L.L.C. (Grand Oaks Apartments), to the February 17, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

04PS0213: In Midlothian Magisterial District, **CENTRAL VIRGINIA BANK** requested amendment to an approved sign package in order to allow the applicant to utilize current sign regulations. This project is commonly known as **CENTRAL VIRGINIA BANK**. This request lies in a Corporate Office (O-2) District on a 1.032 acre parcel fronting approximately 275 feet on the north line of West Huguenot Road, also fronting approximately 275 feet on the west line of Promenade Parkway and located in the northwest quadrant of the intersection of these roads. Tax ID 740-715-8830 (Sheet 2).

Mr. Robert Jarvis, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved that approval for amendments to the sign package to bring the project's sign regulations into compliance with the current Sign Ordinance requirements for Case 04PS0213, Central Virginia Bank (Central Virginia Bank), shall be and it thereby was granted, subject to the following condition:

CONDITION

All signs shall be regulated by the Zoning Ordinance, as permitted by conditions of zoning. Building mounted signs must consist of channel letters, as used within the rest of the Bellgrade development.

(Note: This condition overrides Condition 8 of the previously approved Bellgrade sign package, and shall only apply to the subject parcel.)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04PW0218: In Clover Hill Magisterial District, **WILLIAM SOWERS** requested Planning Commission approval of a development standards waiver regarding loading area screening requirements and a waiver to the 360 Corridor requirement for compatibility with surrounding residential architecture. This development is commonly known as **POCOSHOCK COMMONS - BETTER KITCHENS & BATH**. This request lies in a Light Industrial (I-1) District on a 6.59 acre parcel lying approximately 260 feet off the south line of Hull Street Road, also fronting approximately 475 feet on the east line of Pocoshock Boulevard. Tax ID 763-694-3857 (Sheet 11).

Ms. Kristen Keatley, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission found Case 04PW0218, William Sowers (Pocoshock Commons – Better Kitchens & Bath), substantially complied with the five (5) factors of Section 19-19 of the County Code and approved a development standards waiver to Section 19-585.2(a) for relief from the requirement that architectural style must be compatible with residential architecture and relief from the prohibition on flat roofs and Section 19-572 for permission to use dense evergreen plantings to screen

loading areas instead of berms or durable architectural material of the Zoning Ordinance, subject to the following conditions:

CONDITIONS

1. The brick finish depicted on the enclosed renderings shall extend down the west side of the western most building.
2. The exterior finish on the rear of the building shall match the color of the brick facades.
3. Mechanical equipment must be ground mounted and screened per Ordinance requirements, or a parapet must be constructed to screen the units from the residential property as well as from other public views.
4. Evergreen plantings shall occur in all areas deemed necessary to provide the required screening.
5. Evergreens plantings shall be Leyland Cypress, Eastern Red Cedar or a like tree and be a minimum of six (6) feet tall at time of planting.
6. An automatic sprinkler system shall be provided for the plantings used for screening purposes to ensure survival as well as rapid growth.
7. A parapet must be constructed at the rear of the building (facing residential property) to screen the view of the "galvalume" finish roof.
8. There shall not be any neon on any sign.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

D. FIELD TRIP AND DINNER.

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their field trip.

◆ **DINNER LOCATION.**

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to meet at 5:00 p. m. in Room 502 of the Administration Building at the Chesterfield County Government Center Complex for a dinner meeting with County staff, School Board members and School Administration staff.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

E. ADJOURNMENT.

There being no further business to come before the Commission, the meeting was adjourned at approximately 3:08 p. m. and Messrs. Gecker, Litton, Wilson, Gulley, Bass and staff departed the Public Meeting Room, agreeing to meet at 5:00 p. m. in Room 502 of the Administration Building at the Chesterfield County Government Center Complex for a dinner meeting with Planning staff, School Board members and School Administration staff.

DINNER MEETING WITH SCHOOL BOARD MEMBERS, SCHOOL ADMINISTRATION STAFF and PLANNING STAFF TO DISCUSS THE DRAFT PUBLIC FACILITIES PLAN.

At approximately 5:15 p. m., the Commission, Planning staff, School Board members and School Administration staff convened for a dinner meeting in Room 502 of the Administration Building at the Chesterfield County Government Center Complex.

Dr. Schroeder, Chairman of the School Board, and Mr. Jacobson, Director of Planning, respectively, introduced those present.

Mr. Gecker welcomed those present and expressed appreciation for the opportunity to meet with the School Board members and School Administration staff.

There was general discussion relative to the School Component of the proposed Public Facilities Plan as it pertained to the overall purpose, scope and goals and objectives of the Plan and mutual agreement among those present to foster ongoing and continued communication and cooperation in their endeavors.

The meeting was concluded at approximately 6:35 p. m., at which time the Commission recessed and proceeded to the Public Meeting Room for the 7:00 p. m. Evening Session.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order and introduced Messrs. Jack R. Wilson, Jr. and F. Wayne Bass, newly appointed Commissioners for the Bermuda and Matoaca Districts, respectively.

A. INVOCATION.

Mr. Litton presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Fred Moore led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months, noting the February 17, 2004, agenda was comprised of eight (8) cases and the March 16, 2004, agenda had a total of nine (9) cases. He further noted the Commission had scheduled a special work session on January 22, 2004 and a special work session/public hearing on January 29, 2004, for discussions pertaining to the draft Public Facilities Plan.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

RESOLUTION RECOGNIZING MR. PHILLIP G. CUNNINGHAM FOR SERVICE TO THE CHESTERFIELD COUNTY PLANNING COMMISSION.

Mr. Gecker stated the Commission wished to recognize the tenure of two (2) previous members of the Chesterfield County Planning Commission, Messrs. Phillip G. Cunningham and Ronald K. Stack.

Mr. Gecker welcomed and introduced Mr. Phillip Cunningham and noted Mr. Stack was not present due to a prior commitment.

Mr. Gecker expressed appreciation to Messrs. Cunningham and Stack for their leadership, expertise, wisdom and service during their tenure on the Planning Commission and applauded their conscientious efforts and commitment to excellence in service to the County.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission adopted the following resolution recognizing Mr. Cunningham:

WHEREAS, Phillip G. Cunningham represented the Bermuda District as Planning Commissioner from January 1992 to December 2003; and

WHEREAS, Mr. Cunningham provided effective leadership in addressing significant planning and zoning issues facing Bermuda District and Chesterfield County; and

WHEREAS, Mr. Cunningham worked to form and develop the Jefferson Davis Association; participated in its numerous early morning meetings; significantly contributed to many of the Association's successful projects and worked tirelessly for the benefit of the Jefferson Davis Corridor citizens; and

WHEREAS, Mr. Cunningham led the adoption of the Jefferson Davis Corridor Plan; developed unique zoning standards for the corridor and participated in discussions that resulted in the creation of the Jefferson Davis Enterprise Zone; and

WHEREAS, Mr. Cunningham was an active participant in the zoning and approval of the award-winning Winchester Green project; and

WHEREAS, Mr. Cunningham diligently worked for the improvement of the Village of Chester through negotiation and successful approval of detailed, quality development standards for the Chester Village Green project, the village-style design standards for the entire village area; and

WHEREAS, Mr. Cunningham actively negotiated many zoning cases, site plan and subdivision appeals through many public discussions and meetings for the benefit of Bermuda District residents and business owners; and

WHEREAS, Mr. Cunningham supported numerous planning projects which improved the quality of life for all County citizens, among these public facility plans and projects, water quality plans and standards, park plans and projects, growth management initiatives, detailed communications tower standards and detailed zoning and subdivision standards; and

WHEREAS, Mr. Cunningham successfully participated in the community discussion and development of the Riverfront Plan, Southern Jefferson Davis Corridor Plan, Consolidated Eastern Area Plan, Southern and Western Area Plan, related Ordinances and many other planning projects; and

WHEREAS, Mr. Cunningham served as Vice-Chairman of the Planning Commission in 1994 and 1995; and

WHEREAS, Mr. Cunningham's contribution and leadership on Planning Commission committees, including the Sign Ordinance and manufactured home park issues, were especially valuable.

NOW, THEREFORE, BE IT RESOLVED, that the **Chesterfield County Planning Commission** on this **20th day of January 2004** hereby recognizes and honors the contributions of **Phillip G. Cunningham** to the Planning Commission and citizens of Chesterfield County.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Mr. Cunningham expressed appreciation for the opportunity to have served on the Planning Commission; stated his tenure with the Commission had been an enjoyable experience and he had enjoyed the friendship and camaraderie of his fellow Commissioners; and he hoped his service to the County as a Commissioner had been successful and he looked forward serving in the future.

The Commission expressed their appreciation for Mr. Cunningham's service on the Planning Commission and wished him well in his future endeavors.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission adopted the following resolution recognizing Mr. Stack:

WHEREAS, Mr. Ronald K. Stack represented the Matoaca District as Planning Commissioner from April 2002 to December 2003; and

WHEREAS, Mr. Stack provided effective leadership in addressing significant planning and zoning issues facing Matoaca District and Chesterfield County; and

WHEREAS, Mr. Stack led the Planning Commission review and approval of the Matoaca Village Plan and implementing Ordinances; and therefore,

- Protected the rural village character of Matoaca,
- Established historic based design standards,
- Increased protection for the village boundaries and entrances; and

WHEREAS, Mr. Stack led the Planning Commission review and approval of the Ettrick Village Plan and implementing Ordinances; and

WHEREAS, Mr. Stack was an active participant in the establishment of:

- Historic architecture design standards for the Chesterfield Courthouse Area,
- Road Connectivity Policy,
- Subdivision lot standards to protect environmentally sensitive areas,
- Amendments to improve the effectiveness of the Chesapeake Bay Ordinances,
- Modifications to improve the County's landscaping standards; and

WHEREAS, Mr. Stack presented a major demographic seminar on June 19, 2003, to educate Planning Commissioners and staff; and

WHEREAS, Mr. Stack lead the Planning Commission review and approval of well-planned projects in Matoaca District, consistent with the long-range Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the **Chesterfield County Planning Commission** on this *20th day of January 2004* hereby recognizes and honors the contributions of **Mr. Ronald K. Stack** to the Planning Commission and to the citizens of Chesterfield County.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

04SN0187: In Midlothian Magisterial District, **MICHAEL D. SIFEN, INC.** requested deferral to February 17, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and general commercial use. This request lies on 10.9 acres fronting approximately 150 feet on the north line of Hull Street Road approximately 430 feet east of Turner Road, also fronting approximately 400 feet on the east line of Turner Road approximately 300 feet north of Hull Street Road. Tax ID 765-698-Part of 8303 (Sheets 7 and 11).

Mr. John Easter, the applicant's representative, requested deferral to the February 17, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

In response to a question by Mr. Gulley, Mr. Easter stated he would be happy to contact the representative for the Route 360 Corridor Committee to schedule a meeting.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to defer Case 04SN0187 to the February 17, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

03SN0288: In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested deferral to March 16, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-25) to Community Business (C-3) with Conditional Use to allow multi-family residential use and Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and for residential use of 2.0 units per acre or less. This request lies on 117.8 acres fronting in two (2) places for approximately 1,850 feet on the south line of Old Hundred Road, approximately 750 feet east of Otterdale Road and in two (2) places for approximately 725 feet on the east line of Otterdale Road, approximately 1,200 feet south of Old Hundred Road. Tax IDs 716-696-9418 and 9559; 717-695-0722; 717-696-1097; and 718-696-7128 (Sheet 9).

Mr. John Easter, the applicant's representative, requested deferral to the March 16, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to defer Case 03SN0288 to the March 16, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0157: In Matoaca Magisterial District, **DOUGLAS R. AND SUSAN S. SOWERS** requested deferral to March 16, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) of 75.8 acres with Conditional Use Planned Development to permit exceptions to Ordinance requirements and to Convenience Business (C-1) of 5.0 acres. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 to 2.2 units per acre or less. This request lies on 80.8 acres fronting approximately 3,230 feet on the north line of Beach Road, also fronting approximately 530 feet on the east line of Baldwin Creek Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 707-660-8583 and 709-662-5658 (Sheet 23).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the March 16, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to defer Case 04SN0157 to the March 16, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL COMMISSIONERS.**

04SN0170: In Bermuda Magisterial District, **HENRY D. MOORE AND KENNETH R. TURNER** requested rezoning and amendment of zoning district map from Agricultural (A) and Neighborhood Business (C-2) to Residential (R-25) and Neighborhood Office (O-1). Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The density of the O-1 portion will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 1.01 to 2.5 units per acre. This request lies on 73.3 acres fronting approximately 425 feet on the south line of West Hundred Road approximately 970 feet south of Iron Bridge Road. Tax IDs 784-650-Part of 4858, 784-651-5555 and 785-651-1613 (Sheets 26 and 34).

Mr. Dean Hawkins, the applicant's representative, stated deferral of the request by Mr. Wilson to the February 17, 2004, Planning Commission public hearing was acceptable.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 04SN0170 to the February 17, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

03SN0330: In Bermuda Magisterial District, **CROSS OVER MINISTRY, INC.** requested Conditional Use and amendment of zoning district map to permit a medical clinic in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 1.0 acre and is known as 2619 Sherbourne Road. Tax ID 790-683-4329 (Sheet 12).

Mr. Wilson stated he had previously represented the applicant in a zoning matter, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 7:17 p. m.

Mr. Jason Daniels, the applicant's representative, stated deferral of the request by the Commission to the March 16, 2004, Planning Commission public hearing was acceptable.

There was no opposition to the deferral.

The following motion was made at Mr. Litton's request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 03SN0330 to the March 16, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Gulley and Bass.

ABSENT: Mr. Wilson.

Mr. Wilson returned to the meeting at approximately 7:18 p. m.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

04SN0172: In Bermuda Magisterial District, **WOLFGANG WEBNER** requested amendment to Conditional Use Planned Development (Case 84S043) and amendment of zoning district map relative to uses and access. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 7.6 acres and is known as 1 East Hundred Road. Tax ID 813-652-8742 (Sheet 27).

Mr. Wolfgang Webner, the applicant, withdrew the requested exception to the access location and accepted staff's recommendation for the remaining portion of the application relative to uses.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission acknowledged withdrawal of the exception to the access location and resolved to recommend approval of the remaining portion of the application relative to uses for Case 04SN0172, subject to the following condition:

CONDITION

Flooring, cabinet and appliance sales uses shall be permitted. (P)

(Note: This condition is in addition to Condition 2 of Case 84S043. All other conditions of approval for Case 84S043 remain in effect.)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0181: In Matoaca Magisterial District, **ROBERT E. MADDUX** requested amendment to Conditional Use (Case 89SN0179) and amendment of zoning district map to permit furniture sales and relief to density requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in a Neighborhood Business (C-2) District on 1.0 acre fronting approximately 160 feet on the south line of Hull Street Road, approximately 650 feet east of Deer Run Drive. Tax IDs 728-673-8137 and 8740 (Sheet 15).

Mr. Robert Maddux, the applicant, accepted staff's recommendation.

Mr. Paul Bonner, representing the Route 360 West Corridor Committee, stated the request was acceptable provided the overall architectural compatibility of the development complied with the Route 360 Corridor Plan requirements and the architectural appearance of the proposed building addition, including modifications to the existing building, was consistent in overall design and compatible with the architecture of Harbour Pointe Shopping Center and/or the Japanese restaurant within the project

No one came forward to speak in opposition to the request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0181 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Furniture sales shall be permitted. (P)

(Note: This condition is in addition to Proffered Condition 1 of Case 89SN0179. With the approval of this request, Proffered Condition 3 of Case 89SN0179 shall be deleted.)

2. Architectural appearance of the proposed building addition, including modifications to the existing building, shall accomplish a consistent overall design using similar colors, materials and application that address the rooftop equipment screening and upgrade the existing building to be compatible with the architecture of Harbour Pointe Shopping Center and/or the Japanese restaurant within the project. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0184: In Clover Hill Magisterial District, **STIGALL DRIVE LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 - 4.0 units per acre. This request lies on 12.3 acres fronting approximately 380 feet on the west line of Stigall Drive, approximately 140 feet south of Frederick Farms Drive. Tax ID 743-682-3448 (Sheets 10 and 16).

Mr. Larry Horton, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0184 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The public water and wastewater systems shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a

land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

3. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. (BI & P)
4. The minimum gross floor area for one (1) story dwelling units shall be 1400 square feet and dwelling units with more than one story shall have a minimum gross floor area of 1800 square feet. (BI & P)
5. The applicant, subdivider or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - a. \$9,000 per dwelling unit, if paid prior to July 1, 2004; or
 - b. The amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit adjusted upward by any increases in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
 - c. In the event the cash payment is not used for the purpose for which proffered within fifteen (15) years of receipt, the cash shall be returned in full to the payor. (B&M)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0185: In Bermuda Magisterial District, **DAVID BAYFORD** requested rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for a mix of neighborhood office and single family residential use. This request lies on 0.5 acre and is known as 3317 West Hundred Road. Tax ID 794-655-0069 (Sheet 26).

Mr. David Bayford, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0185 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Prior to any site plan approval, forty-five (45) feet of right-of-way on Route 10, measured from the centerline of that part of Route 10 immediately adjacent to the property shall be dedicated, free and unrestricted to, and for the benefit of Chesterfield County. (T)
2. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. (T)

3. Prior to any site plan approval, an access easement acceptable to the Transportation Department shall be recorded from Route 10 to the adjacent property to the east. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0186: In Bermuda Magisterial District, **ROUNTREE PONTIAC-GMC TRUCK, INC.** requested rezoning and amendment of zoning district map from Community Business (C-3) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. This request lies on 20.5 acres fronting approximately 1,200 feet on the west line of Jefferson Davis Highway approximately 2,000 feet south of Woods Edge Road, also fronting approximately 50 feet on the south line of the terminus of Lucia Drive. Tax ID 799-633-4547 (Sheets 34 and 41).

Mr. Dean Hawkins, the applicant/applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0186 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Uses permitted shall be limited to the following:
 - a. Uses permitted by right or with restrictions in the Community Business (C-3) District
 - b. Mini-Storage/Self Storage Facilities (P)
2. Prior to any site plan approval, sixty (60) feet of right-of-way measured from the centerline of Route 1 immediately adjacent to the property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Direct access to the property shall be limited to two (2) entrances/exits. The exact location of these entrances/exits shall be approved by the Transportation Department. (T)
4. To provide an adequate roadway system, the owner/developer shall be responsible for the following:
 - a. Construction of an additional lane of pavement along Route 1 for the entire property frontage, if required by Transportation Department standards;
 - b. Construction of additional pavement along Route 1 to provide a separate right turn lane at the approved entrances/exits, if required by Transportation Department standards;
 - c. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)

5. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 4, shall be submitted to and approved by the Transportation Department. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

03SN0329: (Amended) In Midlothian Magisterial District, **LEWIS W. COMBS, JR. AND JAMES F. STEPHENS** requested rezoning and amendment of zoning district map from Residential (R-40) to Residential (R-15) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 6.5 acres fronting approximately 240 feet on the south line of Robious Road approximately 80 feet east of Sandhurst Lane and lying at the western terminus of Auger Lane. Tax IDs 735-716-8642 (Sheet 2).

Mr. Clay presented an overview of the request and staff's recommendation.

Ms. Tamson Wilson, the applicant's representative, accepted staff's recommendation and distributed information relative to the proposed development.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gecker noted communications he had received from Roxshire Subdivision residents expressing concerns/opposition to the proposed development; referenced a previous rezoning request (RVG) at which time a commitment had been made to not rezone R-40 parcels to smaller lot sizes; stated he believed the setback exceptions should not be granted; and indicated, for these reasons, he intended to recommend denial of the request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to recommend denial of Case 03SN0329.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

01SN0149: (Amended) In Bermuda Magisterial District, **LAVERNE C. COLE** requested amendment to Conditional Use Planned Development (Case 97SN0150) and amendment of zoning district map relative to architectural standards, uses permitted, number of parking spaces and density. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood commercial use uses. This request lies in a Neighborhood Business (C-2) District on 9.0 acres fronting approximately 850 feet on the north line of West Hundred Road, also fronting approximately 900 feet on the west line of Rock Hill Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 796-655-8223 and 8441 and 797-655-0018, 2444 and 3409 (Sheet 26).

Mr. Clay presented an overview of the request and staff's recommendations for approval of deletion of the requirement that architectural treatment be similar to Rivers Bend Shopping Center; approval of the requested exception to the required number of parking spaces; denial of the request to allow a freestanding fast food restaurant which is not an integral part of a convenience store operation; and denial of the request to exceed current density limitations related to traffic due to the increased traffic that would result on Route 10. He noted the applicant had submitted a proffered condition, as outlined in the Addendum, that the developer of the property fronting on West Hundred Road and lying between Rock Hill Road and the main site access road would provide full cost of traffic signalization, including dedication of any required right of way and construction of all necessary road improvements, at the intersection of Route 10 and the main site access road, if warranted.

Mr. John Easter, the applicant's representative, accepted staff's recommendation for approval of deletion of the requirement relative to architectural standards and approval of the requested exception to the required number of parking spaces but did not accept staff's recommendation for denial of the request relative to uses and denial of the request relative to traffic density. He disagreed that the request did not comply with the Comprehensive Plan/Chester Village Plan and referenced the intense commercial uses in the area east of Rock Hill Road, noting the proposed use was appropriate and compatible with those uses and would serve as a buffer/transition for the residential properties to the west. With respect to traffic concerns, he pointed out that the proposed use would result in only minimal traffic volume increases, that studies did not indicate the need for additional signalization in the area; installing additional traffic signals along Route 10 would increase traffic delays and congestion; and the proposed access road to the Parker Lane/Route 10 intersection was impractical because the road would have to be constructed across the rear portion of an adjacent property owner's parcel.

Mr. Gecker opened the discussion for public comment.

Mr. Steve Morris, an area resident, stated traffic volumes in the area were intense and congested, indicating he would like the existing zoning to remain as intended by the area Plan.

Mr. Rick Dodson, President of the Gay Farms Civic Association, supported the request, noting residents felt the applicant's proposed use was less offensive and/or intense than other uses that could be permitted by the current zoning.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Wilson stated he had participated in numerous conversations concerning this request, understood the area residents' position to be that which Mr. Dodson's described and felt approval, as presented, was appropriate.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 01SN0149, subject to the following condition and acceptance of the following proffered condition:

CONDITION

Parking spaces for any freestanding fast food restaurant shall be provided at a rate of two (2) parking spaces per 142 square feet of gross floor area, with a minimum of fifteen (15) spaces. (P)

(NOTE: With approval of this case, Proffered Condition 1 of Case 97SN0150 is deleted.)

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall be null and void and of no further force or effect.

1. Use Restrictions. The following uses shall not be permitted on the Property:

- a. **Communications towers.**
- b. **Motor vehicle rental.**
- c. **Hospitals.**
- d. **Temporary outdoor Christmas tree sales.**
- e. **Outdoor prepared food and fruit and vegetable vendors. (P)**

(NOTE: This condition supercedes Proffered Condition 2 of Case 97SN0150.)

2. Traffic Density Limitations. The maximum density on the Property shall be 4,000 square feet of police station, 22,042 square feet of post office, 6,000 square feet of dentist and 4,750 square feet of fast food restaurant or equivalent densities as approved by the Transportation Department.

(NOTE: This conditions supercedes Proffered Condition 20 of Case 97SN0150.)

3. Signalization. The developer of that portion of the property fronting on West Hundred Road and lying between Rock Hill Road and the main site access road, or his assignee, shall be responsible for full cost of traffic signalization, including dedication of any required right of way and construction of all necessary road improvements, at the intersection of Route 10 and the main site access road, if warranted as determined by the Transportation Department. Prior to any site plan approval, a phasing plan for these improvements shall be submitted to and approved by the Transportation Department.

In the event the developer is unable to acquire any offsite right of way necessary for such improvements, the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the offsite right of way shall be borne by the developer. In the event the County chooses not to assist in acquisition of offsite right of way, the developer shall be relieved of the obligation to acquire the offsite right of way, and shall only provide the road improvements and

signalization that can be accommodated within available right of way as determined by the Transportation Department. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0131: In Bermuda Magisterial District, **TOM JOHNSON** requested rezoning and amendment of zoning district map from Light Industrial (I-1) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and light industrial uses. This request lies on 77.5 acres fronting in two (2) places for a total of approximately 400 feet on the west line of Old Stage Road approximately 1,500 feet south of Coyote Drive. Tax IDs 802-656-4121, 803-655-1650 and 803-656-3434 (Sheet 27).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the applicant had not provided a traffic impact analysis, as required by the Zoning Ordinance and the application failed to address the traffic impact of the proposed development.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, did not accept staff's recommendation and referenced revised Proffered Condition 4, noting that, at such time as densities generated more than the 5,000 average daily trips as determined by the Transportation Department, then, in addition to access to Chestnut Hill Road, the applicant was willing to provide access to Old Stage Road.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson stated he had visited the site and found rough topography and floodplains that rendered a portion of the property unusable. He stated the applicant had constructed Chestnut Hill Road with the expectation that he would be able to develop the property and given revisions to Proffered Condition 4 to address concerns relative to the construction of access to Old Stage Road, he felt approval of the request was appropriate.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0131 and acceptance of the following proffered conditions, including the Addendum:

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the properties known as Chesterfield County Tax Ids 802-656-4121, 803-655-1650 and 803-656-3434 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-5 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property

until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

2. The public water and wastewater systems shall be used. (U)
3. Except as stated in Proffered Condition 5, uses shall be restricted to those permitted by right or with restrictions in the C-3 District and those uses permitted by right in the I-1 District. (P)
4. Development of the property, with sole access to Chesnut (Chestnut) Hill Road shall be limited to those uses and densities that are anticipated to generate not more than 5,000 average daily trips as determined by the Transportation Department. At such time as densities generate more than the 5,000 average daily trips as determined by the Transportation Department, then in addition to access to Chestnut Hill Road, applicant shall provide access to Old Stage Road. (T)
5. Use on Tax ID 803-656-3434-00000 shall be limited to those uses permitted by right in the I-1 District. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0166: In Bermuda Magisterial District, **MELVIN L. FISHER** requested amendment to Conditional Use (Case 00SN0262), Conditional Use Planned Development and amendment of zoning district map to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies in a Community Business (C-3) District on 1.1 acres fronting approximately 280 feet on the east line of Jefferson Davis Highway, also fronting approximately 280 feet on the south line of Pinehurst Street and located in the southeast quadrant of the intersection of these roads. Tax IDs 795-664-7592 and 795-665-6610, 7102 and 8407 (Sheet 26).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the elimination of setbacks and landscaping along the subject property's Route 1/301 frontage undermined the commercial revitalization strategies of the Jefferson Davis Corridor Plan in shaping the community identity of gateway locations along the corridor.

Mr. Dean Hawkins, the applicant's representative, did not accept staff's recommendation, noting the topography of the property was problematic to development of the site. He stated elimination of the setback and landscaping requirements along the Route 1/301 frontage would not undermine the commercial revitalization strategies of the area Plan but would allow his client better use of his property and asked the Commission's favorable consideration of the request.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson stated he understood the issues raised by Mr. Hawkins, however, he agreed with staff's recommendation for denial in that approval of the request would undermine the commercial revitalization strategies of the Jefferson Davis Corridor Plan in shaping the community identity of gateway locations along the corridor.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend denial Case 04SN0166.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Wilson, that the meeting adjourned at approximately 8:24 p. m. to January 22, 2004, at 4:00 p. m. in Room 502 of the Administration Building in the Chesterfield County Government Center Complex.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Chairman/Date

Secretary/Date